

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL NO. 3:23-CR-149
	:	
DAMIEN BOLAND,	:	
ALFRED ATSUS,	:	
JOSEPH ATSUS AND	:	JUDGE MANNION
NICHOLAS DOMBEK	:	
	:	
Defendants.	:	ELECTRONICALLY FILED

**JOINT REQUEST FOR PRE-TRIAL DISCLOSURE OF
CO-CONSPIRATOR STATEMENTS PURSUANT TO
FED. R. EVID. 801(d)(2)(E) AS TO DEFENDANTS
DAMIEN BOLAND, ALFRED ATSUS, AND JOSEPH ATSUS**

Defendants Damien Boland, Alfred Atsus, and Joseph Atsus, by and through their undersigned counsel, hereby respectfully jointly request from the Government pre-trial disclosure of all co-conspirator statements which the government intends to admit in its case-in-chief as statements of co-conspirators pursuant to 801(d)(2)(E). *United States v. Bobb*, 471 F.3d 491, 498 (3d Cir. 2006); *United States v. Gambino*, 926 F.2d 1355, 1361 n.5 (3d Cir. 1991); and *Bourjaily v. United States*, 483 U.S. 171 (1987).

Pursuant to the instructions of the Court, Defendants have identified this Request as being of a common interest to them. Defendants have therefore filed this Request jointly, in an effort to narrow and focus the issues that are pending before the Court.

Respectfully submitted,

/s/Jason J. Mattioli

Jason J. Mattioli
The Mattioli Law Firm
425 Biden Street, Suite 300
Scranton, PA 18503
(570) 880-7389
Attorney for Defendant, Alfred Atsus

/s/Matthew L. Clemente

Matthew L. Clemente
88 N. Franklin Street
Second Floor
Wilkes-Barre, PA 18701
(570) 266-8986

*Attorney for Defendant,
Damien Boland*

/s/ Patrick A. Casey

Patrick A. Casey
Myers, Brier & Kelly, LLP
425 Biden Street, Suite 200
Scranton, PA 18503
(570) 342-6100

Attorney for Defendant, Joseph Atsus

Date: July 12, 2024

CERTIFICATE OF SERVICE

I, Patrick A. Casey, hereby certify that a true and correct copy of the foregoing Request for Pre-Trial Disclosure of Co-Conspirator Statements Pursuant to Fed. R. Evid. 801(d)(2)(E) was served upon the following counsel of record via the Court's ECF system on this 12th day of July 2024:

James Buchanan, Esquire
United States Attorney's Office
235 North Washington Avenue
Suite 311
Scranton, PA 18501

Matthew L. Clemente, Esquire
Matthew L. Clemente, Attorney at Law
88 North Franklin Street, 2nd Floor
Wilkes Barre, PA 18640

Jason J. Mattioli, Esquire
Michael J. Ossont, Esquire
The Mattioli Law Firm
425 Biden Street, Suite 300
Scranton, PA 18503

Ernest D. Preate Jr., Esquire
120 South State Street
Clarks Summit, PA 18411

/s/ Patrick A. Casey
Patrick A. Casey